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October 8, 2019

Randall Dong, Esquire Hearing Officer SC Public Service Commission Post Office Drawer 11649 Columbia SC 29211

RE: Letter in Lieu of a Prehearing Reply Brief

South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Carolinas, LLC's Standard Offer et al. Docket No. 2019-185-E South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Progress, LLC's Standard Offer et al. Docket No. 2019-186-E

NMRS File No.: 061000/09000

Dear Mr. Dong:

Intervenors the South Carolina Solar Business Alliance ("SCSBA") and Johnson Development Associates ("JDA," and together with SCSBA, "Intervenors") appreciate the opportunity to file pre-hearing reply briefs in this matter.

Intervenors' Joint Pre-Hearing Reply Brief, filed on September 30, 2019, lays out Intervenors' positions on the major issues in this case and the prefiled direct testimony provided by Intervenors' witnesses in support of their arguments. Intervenors believe that this initial brief adequately addresses the testimony and legal issues referenced in the Pre-Hearing Brief filed by Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively, "Duke").

Consequently Intervenors do not find it necessary to file a formal Reply Brief, although Intervenors' Surrebuttal Testimony, which is due to be filed on October 11, will set forth additional testimony responsive to Duke's Rebuttal Testimony.

In lieu of a formal Reply Brief, SCSBA and JDA will, however, comment briefly here on the "Order of Presentation" that Duke proposed on page 27 of its Pre-Hearing Reply Brief ("Duke Reply Brief") filed on October 8, 2019 at the Commission. SCSBA and JDA hereby reject

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Duke's impermissible proposal to flip the normal order of presentation in these Dockets. The Duke Reply Brief proposes that Duke be allowed to present its case <u>after</u> intervenors, which would be in contravention of S.C. Code Regs. 103-842(B). S.C. Code Regs. 103-842(B) prescribes the order of presentation for these Dockets as: (1) Applicant or Petitioner; 2) other parties; 3) Office of Regulatory Staff. The Commission should follow the order of proceeding dictated by S.C. Code Regs. 103-842(B). Note also that the Duke Reply Brief incorrectly suggests that if the normal S.C. Code Regs. 103-842(B) order were in fact followed, that Duke would present its rebuttal case <u>after</u> intervenors present their direct case. The normal practice under S.C. Code Regs. 103-842(B) would be for Duke to present its direct and rebuttal cases concurrently, followed by Intervenors presentation of their direct and surrebuttal cases concurrently, followed by ORS's presentation of its case. The Commission should follow that normal practice in this Docket. Finally, SCSBA and JDA also reject the Duke Reply Brief's contention that "the controverted issues in this proceeding were first raised in intervenors' direct testimony." In fact, the controverted issues in this proceeding were first raised in Duke's own direct testimony.

Very best regards,

/s/Weston Adams, III

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cc: To All Parties of Record (via e-mail)